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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2021

CORAM

THE HONOURABLE Mr. JUSTICE G.K.ILANTHIRAIYAN
WP.No.19064 of 2019

G.Venkatesh @ Karthick
Rep.by his power agent,
N.Gananathan

...Petitioner

Vs

The Tahsildar,
Sholinganallur,
Chennai 600 119

...Respondent

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent to issue patta in the name of the petitioner's son G.Venkatesh in pursuant to a vacant residential plot bearing part of plot Nos.1066 and 1068, Ram Nagar comprised in Survey no.115 Paimash No.30/3, Madipakkam Village having extent of 3040 sq.ft. within a stipulated time.

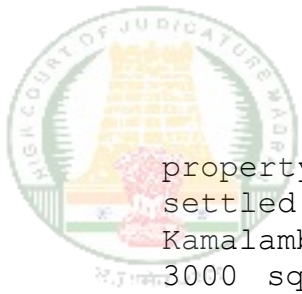
For Petitioner : Ms.Sri Ranjani
for Mr.Prabakaran T.P.

For Respondent : Mr.Yogesh Kannadasan,
Special Government Pleader

ORDER

This writ petition is filed to issue a Writ of Mandamus directing the respondent to issue patta in the name of the petitioner's son G.Venkatesh in pursuant to a vacant residential plot bearing part of plot Nos.1066 and 1068, Ram Nagar comprised in Survey no.115 Paimash No.30/3, Madipakkam Village having extent of 3040 sq.ft. within a stipulated time.

2. The case of the petitioner is that the property comprised in survey No.115 Paimash No.30/3 in house site Nos.1066 and 1068 admeasuring 9040 sq.ft. situated at Madipakkam village was purchased by one, Kamalambal from one K.B.Gopinathan by the registered sale deed dated 09.09.1962 registered vide document No.1954 of 1962. The said Kamalambal executed settlement deed in favour of the petitioner's son G.Venkatesh @ Karthick by the registered settlement deed dated 14.02.2005 registered vide document No.630 of 2005 in respect of the



property admeasuring 3040 sq.ft. Remaining extent of 3000 sq.ft settled in favour of the petitioner's brother by the said Kamalambal and the remaining extent of the property admeasuring 3000 sq.ft. was sold out by the said Kamalambal in favour of one, Murthy. On the strength of the settlement deed dated 14.02.2005, the said G.Venkatesh @ Karthick executed deed of power of attorney in favour of the petitioner dated 18.06.2008. On the strength of the same, the petitioner claimed patta for the said land comprised in survey no.115 Paimash No.30/3 to an extent of 3040 sq.ft. in part of plot Nos.1066 and 1068 situated at Ram Nagar, Madipakkam, Chennai. However, it is pending without consideration.

3. Heard, Ms.Sri Ranjani, the learned counsel for the petitioner and Mr.Yogesh Kannadasan, Special Government Pleader appearing for the respondent.

4. On perusal of the counter revealed that on receipt of the application for issuance of patta, the Sub Inspector of Survey inspected the property and found that the land which is in possession and enjoyment of the petitioner is not comprised in survey No.115 as claimed by the petitioner. On the strength of the settlement deed executed in favour of the son, the petitioner's son is in possession and enjoyment of the land comprised in survey No.119/1A1A and the house plot Nos.1066 and 1068 have been surrounded by a compound wall. Survey Nos.115 and 119 are contiguous to each other. The land in survey No.119 is situated on the southern side of the survey No.115 abutting a road and Pallikaranai village on its eastern side.

5. Considering the same, the respondent is directed to survey the land as per the settlement deed executed by the said Kamalambal dated 14.02.2005 and locate the property and, after giving opportunity of hearing to the petitioner, pass orders on the application for issuance of patta on merits and in accordance with law within a period of eight weeks from the date of receipt of copy of this order.

6. With the above direction, this writ petition is disposed of. No order as to costs.

s/d-
Assistant Registrar

//True Copy//

Sub-Assistant Registrar



To

The Tahsildar,
Sholinganallur,
Chennai 600 119

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+1 CC to Mr.T.P. Prabakaran, Advocate sr 60829
+1 CC to M/s. Sunita Kumari, Advocate sr 60510.

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KSM(CO)
SP(03/12/2021)